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MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay we're going to call the meeting to order and ask you to stand for a flag salute.

SALUTE TO THE FLAG

MR. LEVITON: Pursuant to section five of the Open Public Meetings Act notice of this meeting of the Manalapan Township Zoning Board of Adjustment was sent and advertised in the Asbury Park Press. A copy of that notice was posted on the bulletin board where public notices are displayed here in the municipal building. In addition a copy of this notice is and has been available to the public and is on file in the office of the municipal clerk. Accordingly this meeting is deemed in compliance with the Open Public Meetings Act. Roll call please.

ROLL CALL

MS. MOENCH: Mr. DiTota is not present. Mr. Gregowicz?

MR. GREGOWICZ: Here.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Here.

MS. MOENCH: Mr. Schertz is not present. Mr. Shalika?

MR. SHALIKAR: Here.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Here.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Here.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Here.

1 MS. MOENCH: Mr. Wechsler is not present and Chair
2 Leviton?

3
4 MR. LEVITON: I am here thank you Ms. Moench. Okay
5 our first order of business is to accept the minutes from June
6 15th. Will someone make a motion?

7
8 MR. WEISS: So moved.

9
10 MR. LEVITON: Thank you Mr. Weiss and will someone
11 second it?

12
13 MR. MANTAGAS: I'll second.

14
15 MR. LEVITON: Thank you Mr. Mantagas.

16

17 **ROLL CALL**

18

19 MS. MOENCH: Mr. Gregowicz?

20

21 MR. GREGOWICZ: Yes.

22

23 MS. MOENCH: Mr. Rosenthal?

24

25 MR. ROSENTHAL: Yes.

26

27 MS. MOENCH: Mr. Weiss?

28

29 MR. WEISS: Yes.

30

31 MS. MOENCH: Mr. Mantagas?

32

33 MR. MANTAGAS: Yes.

34

35 MS. MOENCH: Mr. Pochopin?

36

37 MR. POCHOPIN: Yes.

38

39 MS. MOENCH: Chair Leviton?

40

41 MR. LEVITON: Yes. Next up we're going to memorialize
42 resolution number ZBE2317, Mr. Marmero.

43

44 MR. MARMERO: Sure and as you'll remember this was a
45 resolution which granted bulk variance relief for the location
46 and height of a fence, a bulk variance relief for the setback
47 of an existing deck, and then there was bulk variance relief
48 for the size of the shed, but not for the location of the

1 shed. Your motion was to have the applicant relocate the shed
2 to comply with the setback requirements.

3

4 MR. LEVITON: Thank you sir.

5

6 MR. MARMERO: Sure.

7

8 MR. LEVITON: Will someone move to memorialize?

9

10 MR. WEISS: So moved.

11

12 MR. LEVITON: Thank you Mr. Weiss and will someone
13 second it?

14

15 MR. POCHOPIN: Second.

16

17 MR. LEVITON: Thank you Mr. Pochopin. Let the record
18 reflect that Mr. Boccanfuso has entered and is among the
19 proceedings.

20

21 **ROLL CALL**

22

23 MS. MOENCH: Mr. Gregowicz?

24

25 MR. GREGOWICZ: Yes.

26

27 MS. MOENCH: Mr. Rosenthal?

28

29 MR. ROSENTHAL: Yes.

30

31 MS. MOENCH: Mr. Weiss?

32

33 MR. WEISS: Yes.

34

35 MS. MOENCH: Mr. Mantagas?

36

37 MR. MANTAGAS: Yes.

38

39 MS. MOENCH: Mr. Pochopin?

40

41 MR. POCHOPIN: Yes.

42

43 MS. MOENCH: Chair Leviton?

44

45 MR. LEVITON: Yes. Okay there is only one hearing on
46 the agenda this evening, but before we get to it i my regret
47 to inform you that we have received and accepted the
48 resignation of Mr. Robert DiTota from his position here on

1 this Board. Over the years Mr. DiTota has been an exceptional
2 member of our team. He has contributed his expertise and
3 dedication. His insights and commitment to uphold zoning
4 regulations have influenced our decisions and have made a
5 positive impact on the development of our town. We regret
6 seeing him leave, but we respect and understand his decision
7 to step down at this time. His absence will undoubtedly be
8 felt and we express our heartfelt gratitude for his
9 significant contributions. We wish him all the best in his
10 future endeavors. The Zoning Board of Adjustment will continue
11 in its mission to serve Manalapan Township ensuring that
12 zoning matters are handled with the utmost care and expertise.
13 We remain committed to maintaining a fair and efficient
14 process that aligns with the best interests of our community.
15 Also in addition to Mr. DiTota's absence, Mr. Schertz and Mr.
16 Wechsler are not in attendance this evening. Mr. Licata that
17 means that our two alternates Mr. Mantagas and Mr. Pochopin's
18 votes will count this evening and Board members I want to draw
19 your attention to the significance of tonight's application
20 and our deliberations going to be important because they're
21 seeking a use variance. That decision carries substantial
22 weight and in order for the variance to be granted it's going
23 to necessitate five affirmative votes and with that I now call
24 Mr. Licata on behalf of the applicant, welcome back Peter.

25
26 MR. LICATA: Thank you Mr. Chairman. Good evening
27 members of the board, professionals, and staff Peter Licata of
28 the law firm of Sonnenblick, Mehr, and Licata on behalf of the
29 Gordons Corner Water Company. We're here tonight to seek a use
30 variance to create an above ground structure that will replace
31 an underground vault or would replace an underground vault
32 that would provide water service, continuing water service, to
33 existing residents as well as the new community that was
34 recently approved by the planning board in the vicinity of the
35 Englishtown auction. While I do have in the audience David Ern
36 and Eric Olsen of the water company I really only intend on
37 calling two witnesses tonight, Richard Paget our professional
38 engineer and McKinley Mertz our professional planner.
39 Obviously Mr. Olsen and Mr. Ern are available if needed, thank
40 you.

41
42 MR. LEVITON: Ok lets get our professionals sworn in.

43
44 MR. MARMERO: Brian and Jen, want to raise your right
45 hand? Do you swear the testimony you provide tonight will be
46 the truth, the whole truth, and nothing but the truth?

47
48 MR. BOCCANFUSO: Yes I do.

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MS. BEAHM: I do.

MR. MARMERO: Okay and Peter do you want me to get your witnesses sworn in?

MR. LICATA: Oh yes please thank you Albert.

MR. MARMERO: Alright. Okay and if you'll both raise your right hand. Do you swear the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MS. MERTZ: I do.

MR. PAGET: I do.

MR. MARMERO: Okay.

MR. LICATA: Richard can I ask you to step up and join us?

MR. PAGET: Sure.

MR. LICATA: Thanks. Do you want to have a seat right here with me?

MR. MARMERO: Has Mr. Paget testified here before?

MR. PAGET: No.

MR. MARMERO: Could you review your education and qualifications?

MR. PAGET: Sure so I'm the lead engineer at PS&S, an engineering and consulting firm in Wall Township, New Jersey. I'm a licensed professional engineer in the state of New Jersey, about ten years of experience in the water and waste board field, bio-environmental engineering degree from the University of Rutgers and I have not previously testified here.

MR. MARMERO: Have you testified before other municipal planning boards and zoning boards?

MR. PAGET: Yes.

1 MR. LEVITON: Thank you and the board accepts Mr.
2 Paget's credentials.

3
4 MR. LICATA: Thank you. Rich could you briefly
5 explain what we're proposing and after you do that address the
6 review comments that you've noted in Mr. Boccanfuso's report?

7
8 MR. PAGET: Sure. So the existing subject property is
9 known as Block 3,004, Lot 1.78. On February 2022 Gordons
10 Corner Water Company obtained a 1,632 square foot utility
11 easement on the northwest corner of this lot. Access to this
12 lot will be off Wilson Drive and this is approximately 120
13 feet north of the future Crimson Drive. Site topography is
14 generally flat, but does consist of some proposed grading and
15 drainage as part of the Pine Brook Crossing Development. The
16 tract is located within the AHO, affordable housing overlay
17 zone district and the R-TF/TH two-family townhouse zone
18 district. So Gordons Corner Water Company --- purchases about
19 550 million gallons of water from Veolia each year which is
20 about thirty percent of their annual system demand. The
21 existing interconnect chamber is located on Lonestar Drive. I
22 believe it's about 600 feet south of where the proposed
23 interconnect building will be. The existing interconnect
24 chamber was constructed in the late 1980's and it's not sized
25 properly for today's need and proposes a risk for employees
26 entering a confined space location.

27
28 MR. LICATA: And that is a concern under OSHA
29 regulations?

30
31 MR. PAGET: Correct.

32
33 MR. LICATA: Thank you.

34
35 MR. PAGET: The existing chamber has electrical
36 components; water, analyzers, equipment that was not
37 envisioned back in the 1980's. The damp atmosphere and cramped
38 space make it difficult to keep equipment running and perform
39 maintenance trips. The proposed interconnect will be above
40 ground in a safe environment for employees to work and
41 maintain the equipment. Electronic equipment will be in a
42 better environment and more accessible. The existing
43 interconnect will remain in place as an emergency interconnect
44 and be used as a backup. The site will be visited at random
45 times throughout at least once a day during normal working
46 hours. So we did receive two letters from the board, a
47 planning review letter and an engineering review letter. I've
48 selected three comments from the engineering review letter

1 that I thought would be pertinent to review. The need for
2 providing a turnaround area should be considered was the
3 comment we received. After we took a closer look at the site
4 we believe we can provide an adequate area for a K turn within
5 our proposed site. We would just probably modify the location
6 of the swing gate and maybe modify it to a rolling gate. We
7 are currently not depicting any grading or stormwater
8 management as part of our application based on the existing
9 topography and proposed improvements rain water that falls
10 within our site will either infiltrate into the ground or be
11 directed towards Wilson Ave and collected into the nearby
12 stormwater inlet basins. PS&S can evaluate this existing
13 drainage system and confirm adequate capacity. The proposed
14 floor drain and utility sink will discharge into an existing
15 lateral stub that exists at a manhole on Crimson Drive. This
16 will be a connection application that Gordons Corner Water
17 Company will have to submit to the WMUA. We have no other
18 objections to the comments from the engineering review letter
19 or from the planning review letter on my end so I don't know
20 if you have any, if the board has any other questions we could
21 review.

22

23 MR. LEVITON: Brian?

24

25 MS. BEAHM: I'm just going to ask so you need some
26 setback relief for the location of this. --- decided where you
27 put it?

28

29 MR. PAGET: We selected that spot just to provide
30 adequate access to the site for the maintenance vehicles so we
31 could pull up onto the site, off the road and then open the
32 gate as necessary to access the site.

33

34 MS. BEAHM: So was there any ability to comply with
35 the setbacks? I mean we're not talking a major hundred foot
36 setback here we're talking twenty-five feet in the front,
37 twelve feet on the side, and ten feet in the rear and you
38 don't comply with any of them. So I'm just curious is there
39 the ability to comply or is there not? I'm not apining either
40 way, but if there is you should. If there isn't we need to
41 understand why.

42

43 MR. PAGET: Okay I guess we could take a closer look
44 to see if we can comply with any of those setbacks. We located
45 it there just to provide access with the maintenance staff.

46

1 MR. LICATA: Perhaps David or Eric can we get you
2 sworn in and can you speak to the location of the facility?
3 This is a building that's about twelve feet by twenty-two ---
4

5 MR. MARMERO: I'll get you sworn in sir.
6

7 MR. LICATA: In size.
8

9 MR. MARMERO: Can you raise your right hand? Do you
10 swear the testimony you provide tonight will be the truth, the
11 whole truth, and nothing but the truth? Okay and then once you
12 get the microphone if you can state your name for the record
13 please.
14

15 MR. OLSEN: Sure it's Eric Olsen I'm the chief
16 operating officer for Gordons Corner Water Company.
17

18 MR. MARMERO: Okay.
19

20 MR. OLSEN: And to address the size of the easement
21 that was negotiated with at the time Hovnanian and that was
22 the size in order to stay away from the proposed buildings
23 that was the size that was agreed to for the easement.
24

25 MS. BEAHM: So just to be clear, okay so Peter help
26 me our here.
27

28 MR. LICATA: The site ---
29

30 MS. BEAHM: The siting of the building.
31

32 MR. OLSEN: Yes.
33

34 MS. BEAHM: Is dependent upon.
35

36 MR. LICATA: The easement.
37

38 MS. BEAHM: The easement that was granted.
39

40 MR. OLSEN: Correct.
41

42 MS. BEAHM: Which is why the relief of the setbacks
43 is necessary.
44

45 MR. OLSEN: Correct.
46

47 MR. LICATA: Correct.
48

1 MS. BEAHM: Thank you that's all I needed.

2

3 MR. LEVITON: Brian?

4

5 MR. LICATA: Thank you.

6

7 MR. BOCCANFUSO: Thank you Mr. Licata, Mr. Olsen, Mr.
8 Paget appreciate testimony, just a couple of brief questions.
9 First of all we had identified some points of relief in our
10 report. Obviously I will defer to Jen as to what relief is
11 necessary with this --- application, what will be subsumed and
12 so forth. So I'm just going to stay in my lane here and stick
13 to the engineering items to the extent that I can. Mr. Paget
14 you indicated that you felt you could provide a turnaround
15 area for vehicles, does that mean that you will do that if
16 you're granted an approval? You're accepting that as a
17 condition?

18

19 MR. PAGET: Yeah we will modify the plans.

20

21 MR. BOCCANFUSO: Great and to the extent that there
22 were a handful of very specific and directive technical
23 comments and just using one as an example the comment relative
24 to revising the sidewalk and driveway apron, can you agree to
25 do those as well address those as a condition?

26

27 MR. PAGET: Yes.

28

29 MR. BOCCANFUSO: Great. With regard to the stormwater
30 management and grading I don't take any exception to Mr.
31 Paget's testimony. We're talking a very minimal increase in
32 impervious coverage here. The one thing I would recommend is
33 that if there is an approval that a detailed grading plan be
34 provided just so that we can ensure that there's no adverse
35 drainage impact on the immediate surrounding areas. You have
36 the proposed grading associated with the residential
37 development shown on the plan, but I'm not seeing any
38 modifications to that to account for the building and so
39 forth. So we would request that a grading plan be provided.
40 The sanitary sewer service lateral that you discussed, you
41 said that that would obviously be subject to WMUA approval.
42 The plan indicated that it was going to be by others. Does
43 that mean that --- WMUA will be the ones to actually
44 physically install that lateral?

45

46 MR. PAGET: --- drop the lateral.

47

48 MS. MOENCH: Need a mic.

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MR. BOCCANFUSO: Yeah I think you need a.

MR. PAGET: The site contractor has already dropped a lateral there as part of putting the sanitary sewer on Crimson so there is a lateral available.

MR. BOCCANFUSO: Understood so they've already made the connection to their new manhole and basically stubbed it out for you?

MR. OLSEN: Yeah they already connected the manhole that is connected into the sewer line.

MR. BOCCANFUSO: Got it.

MR. LEVITON: Let the record reflect that that was Mr. Olsen.

MR. BOCCANFUSO: Great and then I think just two more. So this is probably a question for Mr. Olsen I'm not sure maybe Mr. Paget can handle it. There were two fire hydrants shown on the site plan, one on the upstream and one of the downstream side of the proposed facility. I assume with there being two fire hydrants that they're probably, being right next to each other, they're probably not both for fire suppression purposes. So what is the purpose for those two hydrants?

MR. OLSEN: They're for testing the meters that are inside the facility.

MR. BOCCANFUSO: Okay.

MR. OLSEN: So that we can run fire hoses off there and test the meters.

MR. BOCCANFUSO: Understood.

MR. OLSEN: So they won't billed to the fire department. They're just for our use on site.

MR. BOCCANFUSO: Understood. Now will they periodically be used for flushing and what I'm getting at is we certainly don't want hydrants that close to residential uses that are just going to be opened up and allowed to spill out.

1 MR. OLSEN: No they will not be flushed. They'll be
2 tested, but they won't be flushed. There's hydrants along
3 Wilson that'll be flushed that are already there.

4
5 MR. BOCCANFUSO: Okay and if there's ever a
6 circumstance where they need to be flushed or run for any
7 period of time they'll be --- drainage system in a controlled
8 manner.

9
10 MR. OLSEN: Right and we take some of the firehose to
11 the catch basin that's right there.

12
13 MR. BOCCANFUSO: So no need for permanent
14 improvements like a stablized receeding area or anything?

15
16 MR. OLSEN: No.

17
18 MR. BOCCANFUSO: Okay great and then I think the last
19 question I have pertains to the screening of the facility. So
20 there's no landscaping proposed. I recognize that we're
21 dealing with a tight site here and it may be challenging to
22 get some landscaping on this site. There is landscaping on the
23 adjacent residential development, but I'm wondering whether
24 you're able to perhaps enhance the fence. I think it's an
25 eight foot high chainlink fence.

26
27 MS. BEAHM: It's chainlink.

28
29 MR. BOCCANFUSO: And I know both our office and Jen's
30 office cited some issues with the safety provisions on top. I
31 don't think it's quite barbed wire, but it may not be
32 permitted anyhow. So are you able to provide a better than
33 chainlink fence either solid vinyl, solid wood, some type of
34 screening anything of that nature?

35
36 MR. MARMERO: So you've submitted an exhibit that I
37 believe has been marked A1 through A3 with supplementary
38 landscaping have you not?

39
40 MR. PAGET: Yes.

41
42 MS. BEAHM: I'm still going to ask you to replace the
43 fence just so you know. Just resolve that because we don't
44 allow chainlink and we don't allow the chainlink with whatever
45 you have on top of it so I'm going to want something else
46 other than that.

47

1 MR. LICATA: Eric would you please come back up here
2 and explain why we have this fence here?
3

4 MR. OLSEN: It's really a security issue for that
5 facility so we used the chainlink that can't be climbed. It's
6 got the small openings so you can't get a foothold on it.
7

8 MS. BEAHM: Yeah I mean I've done work for PSE&G and
9 I've seen the anti-climbing.
10

11 MR. OLSEN: Yeah.
12

13 MS. BEAHM: And it's not chainlink. It's a different
14 material so if that's what you're going to propose I'm all for
15 it.
16

17 MR. OLSEN: Yes.
18

19 MS. BEAHM: But we're not. Chainlink is not something
20 that we want to see especially thirteen feet from the road.
21

22 MR. OLSEN: Yeah no we're proposing a no climb.
23

24 MS. BEAHM: So is it thick, heavy metal?
25

26 MR. OLSEN: Yes, metal.
27

28 MS. BEAHM: Okay so I would like a detail.
29

30 MR. OLSEN: Okay.
31

32 MS. BEAHM: Of the fence because the chainlink is
33 thirteen feet from the road. We don't really want to see that
34 right up on the road.
35

36 MR. OLSEN: Okay we can provide a detailed ---
37

38 MR. BOCCANFUSO: --- all relatively close to some
39 residential ---
40

41 MS. BEAHM: Yeah.
42

43 MR. BOCCANFUSO: I don't know the exact dimension. I
44 can certainly find that, but I think it would be sufficient to
45 say its close so I agree with Jen's point that we want to have
46 something that is aesthetically pleasing.
47

1 MS. BEAHM: And it requires relief and an
2 understanding why you're asking for the relief because its
3 eight feet high for security purposes which we don't allow in
4 the front yard. We don't even allow that in the side. We allow
5 six feet on the side and the rear. They're asking for eight
6 that's not uncommon for a public utility for security purposes
7 so I will take no exception to the relief to have that
8 increased height of the fence because I do understand the need
9 for it, but I do want to see the detail because I want to make
10 sure that it's something that's at least aesthetically okay
11 for being thirteen feet from the road, right? We're asking ---
12 a front yard setback so we need to make sure it's not.

13

14 MR. OLSEN: We'll provide a detailed to you.

15

16 MS. BEAHM: Perfect, thank you.

17

18 MR. BOCCANFUSO: And for the record the fence is
19 about thirty-five feet from the closest residential unit ---

20

21 MR. LICATA: And Eric since the plans were submitted
22 in exhibit A3 that was previously submitted to Ms. Moench in
23 advance of the hearing you've proposed the planting of three
24 trees in the front of the building that would stand between
25 the building and Wilson Avenue?

26

27 MR. OLSEN: Correct.

28

29 MR. LICATA: And then to the right of the building
30 shielding the long side of the building from the interior of
31 the residential subdivision you've proposed another four trees
32 is that correct?

33

34 MR. OLSEN: Correct.

35

36 MR. LICATA: Thank you.

37

38 MR. LEVITON: Thank you Mr. Olsen. Thank you
39 professionals. Mr. Paget anything further?

40

41 MR. PAGET: Nope.

42

43 MR. LEVITON: Ms. Mertz? Welcome back Ms. Mertz. The
44 board ---

45

46 MS. MERTZ: Good to be here.

47

48 MS. BEAHM: Before you start.

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MR. LEVITON: Accepts her credentials.

MS. BEAHM: Can I just ask before we start the landscaping that you provided as part of an exhibit you're going to --- the plans right?

MR. LICATA: Correct.

MS. BEAHM: Submit it to us, okay thank you.

MS. MERTZ: Hi everyone it's good to be back. I was already sworn in, but real quickly for those if I haven't seen you before. I have a professional planning license, the AICP national certification, principal at Heyer, Gruel, and Associates. I've testified in front of this board before as well as many across the state and I'm the planning board and zoning board planner nearby in Millstone. Mic sorry, alright. So real quickly we do have I believe its five C variances that were called out in Ms. Beahm's letter. It's my opinion that those C variances as we've discussed three of them are associated with our setbacks, two of them are associated with the fence. They really are subsumed into our D variance that we're asking here tonight. I think what was testified to previously we really cannot meet the setbacks because of the function and size of our easement area that's been granted to us and same with the fence that we've just discussed and Ms. Beahm called out. That really is in direct response to the security purposes and our team will work with her to make sure that the materials of it is something that won't have a negative impact on your streetfront. We do have a few design waivers. I'll defer to your planner if she'd like me to move into any kind of detailed discussion on those. They have to do with not providing striping along our parking area which is really more of a driveway than a parking area so it's again it's really a technical deviation. Associated with that we do have landscaping and the architectural building and design we have submitted that as an exhibit. It's going to be a neutral tone of I believe it's split faced block in a beige color. We do hope most of that will be shielded by the landscaping we're proposing and that was also it was just part of the Pine Brook Crossing development, but the general beige color of it we believe should also really camouflage into the area itself. That leaves us with the main reason we're here tonight which is the D1 variance. Mr. Chairman you said earlier this is a little bit more weight carried to it than a typical C variance, bulk variance you might see. The reason we require the D1 variance is because while your ordinance does

1 contemplate various utilities throughout the town it does not
2 contemplate what we have called an interconnection building, a
3 small utility building above ground. Our engineer testified
4 that our current facility is a vault below ground which is
5 permitted within your ordinance. So we need for security
6 purposes and safety purposes to bring that above ground and we
7 need the building again to make sure that that piece of
8 infrastructure is protected. So in terms of the positive
9 criteria the site is particularly suited for our use. It's
10 located within an easement that was granted to us by the
11 property owners behind us so there was negotiation that went
12 into that to make sure that it didn't have a negative effect
13 on the residents that are going to be there and was also
14 pulled away from our commercial neighbors which is across
15 Wilson and to the north of us at the auction house. So we
16 worked closely with them to make sure that it's in the most
17 appropriate location for our needs as well as their needs and
18 the rest of the neighborhood's needs. The easement is large
19 enough to provide the area that we need for our access and
20 maintenance again without encroaching further into the
21 residential neighborhood. We're surrounded by commercial zones
22 to the north and to the west and it's appropriately as was
23 testified to previously. We're perfectly positioned to reach
24 all the water mains that this building and all of the
25 infrastructure it's going to serve there by serving the
26 broader region which again I think he said 550 million gallons
27 of water which is quite a lot that will be moving through the
28 area. We're in close proximity to our existing interconnection
29 site so that will allow that site to remain in existence as an
30 emergency backup, but this will continue as the primary
31 function. Special reasons, we have to prove that special
32 reasons exist to justify this use variance. Those are derived
33 from the municipal land use law. There are a few that I think
34 would qualify here, but I'm going to focus on purpose A which
35 is to promote development of land that will promote the
36 health, safety, morals, and general welfare. Our proposed use
37 will ensure the continued use of water supply which is a
38 necessity. I mean the neighborhood, residential neighborhood,
39 the very large one to the east of us would not be able to
40 function without our ability to continue on same with our
41 commercial neighbors. So we really are by moving this and
42 ensuring a continued water supply to everyone. The existing
43 station, the existing building and infrastructure, cannot
44 continue to function. As was previously discussed it's
45 outdated and it's actually very unsafe for maintenance workers
46 to go down into that vault this will allow a much more safe
47 environment for our employees who need to access this and
48 again we are close to that facility. The new building needs to

1 be constructed with or without the development that's
2 happening around us. It's the outdated nature we really do
3 need to rebuild it to support the township as well as the
4 towns in the surrounding area. Moving on to the negative
5 criteria, there will be no substantial detriment to the public
6 good by this application. The building, the infrastructure
7 within it, it's not going to produce any noise, any fumes, any
8 other nuisances. It will be an incredibly low traffic
9 generator, one car a day during business hours that will be
10 there maybe half an hour or so. It requires limited lighting.
11 There is one light on the front that will be motion censored
12 for the maintenance individuals who have to access it, but
13 that will be it. We also as has been testified to we are
14 surrounded by our landscaping as well as that from Pine Brook
15 and despite not meeting the setbacks, our building is pulled
16 away as far as possible from the residences so that it really
17 is tucked in the corner there adjacent to the commercial
18 properties. We pose not detriment to the master plan either.
19 The recent master plan documents do not address the two-family
20 and townhouse district. The affordable housing overlay that
21 we're within was designed for the residential neighborhood to
22 our east and our proposal here will not pose any detriment or
23 impediment to developing those homes and those affordable
24 homes and in fact we have to build this regardless of whether
25 that development is built, but we will be able to service that
26 development as well. In reference to the town zoning ordinance
27 we pose no detriment there either. Again the town's ordinance
28 does plan for utilities and it plans for very small
29 underground utilities and very, very large utilities like
30 water towers. It's just missing this little missing middle in
31 here so I do believe it really is almost technical in nature
32 that the township acknowledges the importance of such
33 utilities. We are not posing any detriment to that as well and
34 I'm happy to answer any questions or if Ms. Beahm feels like I
35 missed any of the testimony with earlier variances I can run
36 back and touch on that as well.

37

38 MR. LEVITON: Thank you Ms. Mertz, Jennifer.

39

40 MS. BEAHM: No I think it was comprehensive. I mean
41 given the minor nature of what the applicant is proposing as
42 long as we get a detail of the fence and we get the
43 landscaping identified on the plan I take no exception to the
44 testimony and the relief that's being requested.

45

46 MR. LICATA: We will certainly provide those details.

47

48 MS. BEAHM: Thank you.

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MR. LEVITON: Then let's go out to the board, start with Dan.

MR. POCHOPIN: Thank you Mr. Chair. So I was just glancing at the prints here. Perhaps I don't know if you could answer this or maybe it would have to be the engineer, looking at the interconnection between the chamber piping layout, drawing W101 that's the diagram for the piping. Is there any backflow preventer in here? I see the spec sheets. I only see a check valve in the drawing. Is there backflows anywhere with these two --- systems?

MS. MERTZ: I defer to Rich.

MR. OLSEN: There's probably ---

MR. LEVITON: Mr. Olsen you need a microphone sir.

MR. OLSEN: There's going to be a pressure-reducing valve inside the chamber that has a built in check feature so it will be a check inside of that, pressure-reducing valve.

MR. POCHOPIN: So I see one on the four inch and I see one on the eight inch.

MR. OLSEN: Yeah.

MR. POCHOPIN: And that's basically a flowmeter you're referring to.

MR. OLSEN: Well there's a flowmeter and there's also a pressure-reducing valve because Veolia's pressure is higher we reduce it down to our pressure and that device also has a check feature in it.

MR. POCHOPIN: I didn't see that on here. Is that on here anywhere?

MR. OLSEN: It should be --- look.

MR. POCHOPIN: Here's all the specs for it.

MR. OLSEN: Let's see what.

MR. POCHOPIN: Here's your two flowmeters, there's your check valve.

1 MR. LEVITON: What's happening is not, gentlemen,
2 gentlemen. There needs to be public awareness.

3

4 MR. OLSEN: Okay.

5

6 MR. LEVITON: Of what's going on at all times and
7 this small conference.

8

9 MR. OLSEN: I was just trying to show.

10

11 MR. LEVITON: --- allow for that.

12

13 MR. POCHOPIN: Sorry.

14

15 MR. OLSEN: Okay.

16

17 MR. LEVITON: Moreover everyone should be aware that
18 after our hearing everything is going to be transcribed by a
19 court reporter who needs to hear specifically who is speaking.

20

21 MR. OLSEN: Okay.

22

23 MR. LEVITON: Okay.

24

25 MR. POCHOPIN: So I believe you answered that you're
26 going to have some means of protection for redundancy of
27 whether it's being --- from one.

28

29 MR. OLSEN: Correct.

30

31 MR. POCHOPIN: Substation, but is there a pump
32 involved anywhere?

33

34 MR. OLSEN: No it's all done by gravity.

35

36 MR. POCHOPIN: Gravity somebody did testify there'd
37 be towers somewhere or something right? Water towers and all?

38

39 MR. OLSEN: Yes Veolia's pressure higher than ours so
40 it flows by gravity.

41

42 MR. POCHOPIN: Very good.

43

44 MR. OLSEN: In our system.

45

46 MR. POCHOPIN: Thank you. Also you mentioned about
47 the turnaround you were going to provide I guess for utility
48 vehicles and emergency vehicles like the fire department, I

1 think it was a dirt layout wasn't it? Or grass or now it was -
2 --

3
4 MR. OLSEN: Grass pavers.

5
6 MR. POCHOPIN: Grass pavers.

7
8 MR. OLSEN: Yeah.

9
10 MR. POCHOPIN: So do you put that reinforcement for
11 heavy vehicles like they require sometimes for emergency
12 vehicles or utility vehicles? It's like plastic matting
13 underneath like the reinforcement.

14
15 MR. OLSEN: I don't know.

16
17 MS. BEAHM: It's actually a paver.

18
19 MR. OLSEN: It's a concrete paver.

20
21 MS. BEAHM: --- paver that landscaping grows out from
22 so yes.

23
24 MR. POCHOPIN: That's what that is.

25
26 MS. BEAHM: It can handle it, emergency vehicles.

27
28 MR. LEVITON: It's going to read like grass.

29
30 MS. BEAHM: It's going to look like grass, but it
31 will have the ---

32
33 MR. POCHOPIN: Reinforce.

34
35 MR. OLSEN: Hold a heavy vehicle, yeah.

36
37 MS. BEAHM: Yeah.

38
39 MR. POCHOPIN: Very good and you said that you were
40 going to do some upgrades to the HVAC for the new controls,
41 the electronic controls for the valve, anything so forth in
42 the electrical. Is there HVAC in that small house?

43
44 MR. OLSEN: That's just electric heater.

45
46 MR. POCHOPIN: Electric heater?

47
48

1 MR. OLSEN: That's it.

2

3 MR. POCHOPIN: So the valves are just ---

4

5 MR. OLSEN: Yeah.

6

7 MR. POCHOPIN: Automatic or?

8

9 MR. OLSEN: The valves are set, yeah they're not ---
10 they're hydraulic. They're working off the two pressures
11 between the two systems.

12

13 MR. POCHOPIN: Very good so then we wouldn't have to
14 worry about heat, well heat of course.

15

16 MR. OLSEN: Just heat that's it, yeah. You don't have
17 to worry about air conditioning.

18

19 MR. POCHOPIN: Alright thank you.

20

21 MR. LEVITON: Basil, thank you Dan.

22

23 MR. MANTAGAS: You might want to answer this question
24 sir. What is actually interconnects purpose? What is its
25 purpose?

26

27 MR. OLSEN: We're purchasing water from Veolia to
28 offset our own sources so we've been purchasing water from
29 Veoila which was Suez which was Natural Pollenex since
30 approximately 1990.

31

32 MR. MANTAGAS: So that comes from that facility?

33

34 MR. OLSEN: Correct.

35

36 MR. MANTAGAS: Through that pipe? That's its purpose
37 they interconnect?

38

39 MR. OLSEN: Right that west side to Freehold and
40 Manalapan.

41

42 MR. MANTAGAS: Now I understand, thank you. Also how
43 often is it serviced? Is everyday somebody goes there to check
44 on it?

45

46 MR. OLSEN: At least once a day because we have water
47 analyzers and they're checking the chlorine, the pH, turbidity
48 so someone swings by to make sure everything ---

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MR. MANTAGAS: And it's usually a small vehicle pulling in?

MR. OLSEN: It's a pick up truck like a F150.

MR. MANTAGAS: Great thank you, no more questions Mr. Chairman.

MR. LEVITON: Thank you Basil.

MR. SHALIKAR: Yeah so I'm a huge proponent for safety and I can understand and respect the fact that this would provide additional safety from an OSHA perspective. The vault though is still going to have to fall under the same safety consideration as the new interconnect right? So it's going to have to be maintained regularly. It's going to have -- if not the same schedule?

MR. OLSEN: No we're not on the same schedule. They're going to pull all the equipment out of there and it'll just be the piping left behind so that if we had to use it. We're not going to go on on a regular basis. We may open up just to make sure there's no water in there, but --- have employees going in there on a regular basis.

MR. SHALIKAR: So in the event there is a need for an emergency backup use case would they have to go into the vault?

MR. OLSEN: They would have to go in the vault in that case, yeah.

MR. SHALIKAR: Right and we're ensuring that the vault will still be fully functional with no risk?

MR. OLSEN: Yes. It's going to have valving in there. We can throttle the valves it's all mechanical.

MR. SHALIKAR: Okay thank you.

MR. LEVITON: In perpetuity?

MR. OLSEN: Perpetuity well I don't know if they'll be in perpetuity, but yeah it'll be something that --- at least once a year we're required to inspect them so you do exercise the valves at the least once a year.

1 MR. LEVITON: Brian that's satisfactory? That's
2 satisfactory Brian?

3
4 MR. BOCCANFUSO: What's satisfactory?

5
6 MS. BEAHM: To go in and inspect once a year?

7
8 MR. LEVITON: Yeah.

9
10 MR. BOCCANFUSO: Well I mean I assume that they're
11 governed by the state regulations. It's not something that I
12 think is subjected our discretion or my opinion.

13
14 MR. LEVITON: Well.

15
16 MR. BOCCANFUSO: Mr. Olsen is that correct that there
17 are regulations that dictate ---

18
19 MR. OLSEN: The D.E.P. requires us to inspect all
20 interconnections once a year.

21
22 MR. LEVITON: So let me ask you Brian do you have any
23 concerns regarding the piping that's going to be left?

24
25 MR. BOCCANFUSO: I do not. It's been there for many
26 years. It's going to be inspected periodically in accordance
27 with the regulations. I have no concern at all. I think this
28 is an upgrade the fact that they won't have to go into the
29 vault to do the maintenance that they will now be able to do
30 in a nice building that's pleasantly warm from that electric
31 heater in the winter time.

32
33 MR. LEVITON: Is that the ---

34
35 MR. BOCCANFUSO: And ungodly hot in the summer I'm
36 sure.

37
38 MR. LEVITON: Is that why it's above ground now?

39
40 MR. BOCCANFUSO: I would assume yes. I think and I
41 would assume that what the applicant's doing is they're
42 upgrading their equipment. They're also taking advantage of
43 the opportunity to improve accessibility to it. It's a bigger
44 building, more easily accessible. You don't have to worry
45 about the safety associated with going into small enclosed
46 places and at the same time you're upgrading the equipment
47 from whatever is in the vault now to something that's state-
48 of-the-art and current.

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MR. LEVITON: Let me ask you directly Mr. Olsen or Mr. Paget why is it that in the modern day your facilities are going to be above ground when they've been underground and hidden from the public's view forever?

MR. OLSEN: Well I think what we're trying to do is improve safety. It's a confined space and that's always a problem sending someone down there. The chances of engulfment or whatever that may happen in those situation and we had an opportunity here to coordinate this with the developer and move the interconnection above ground which for maintenance purposes and for the longevity of the equipment made sense to us to do it that way.

MR. LEVITON: Brian were you involved in those discussions? Let the record reflect that this board's engineer is the planning board's engineer and Mr. Olsen is referencing meetings with the developer of the proposed development next to his exchange or interchange.

MR. BOCCANFUSO: I was not directly involved in any negotiations or meetings between Gordons Corner Water Company, Veolia, and the applicant of the residential subdivision. However I was aware of the dedication of the easement for this purpose, myself and Mr. Olsen had conversations in the past about this pending application, the timing of it, and so forth. The fact that there would be an easement our office reviewed the details of that easement when it was included with the file plat associated with the subdivision and I knew that this was coming. I did have as I said conversations with Mr. Olsen. I think that the recommendation that gave to him was that it wouldn't be appropriate for Gordons Corner Water Company to file the application that we're hearing tonight until such time as the easement was dedicated, the plat was filed and --- and he talk that advice obviously because all of that is in the rear view mirror and here we are tonight so.

MR. LEVITON: Thank you for your.

MR. BOCCANFUSO: We were involved a little bit not the nuts and bolts details, but I was aware of this going back eighteen months or more.

MR. LEVITON: Thank you sir.

MR. BOCCANFUSO: Sure.

1 MR. LEVITON: Josh anything further?

2

3 MR. SHALIKAR: Thank you no I appreciate it.

4

5 MR. LEVITON: Bob?

6

7 MR. GREGOWICZ: No questions.

8

9 MR. LEVITON: Adam?

10

11 MR. WEISS: Yeah so we heard testimony that there's
12 going to be one light. It's going to be motion sensor light on
13 one side of the building. My concern is really are more the
14 attractive nuisance that may be caused by this being thirty-
15 five feet from the nearest home and given the additional homes
16 that are slated to be built there so my question is in
17 addition to the run light is there consideration for
18 additional lighting and will there be cameras and/or an alarm
19 at the building?

20

21 MS. MERTZ: I'm going to have to defer to Mr. Olsen
22 again.

23

24 MR. OLSEN: There will be a security alarm on the
25 building, but there will be no other lights associated with it
26 and the security alarm can be a silent alarm which goes right
27 to the police and notifies our employees.

28

29 MR. WEISS: For what it's worth from my perspective I
30 just think that there should be more lighting. Obviously your
31 person will be going there one time a day for a half hour I
32 would imagine that its going to be during daytime with the
33 exception of fall when it could be towards dark, but to have
34 it on one side when someone's going to be there during the day
35 just doesn't really make sense to me and I do have concerns
36 about children in the area and all of that.

37

38 MR. MARMERO: Peter would you be open to discussing a
39 possible additional light with the court engineer?

40

41 MR. OLSEN: Absolutely yeah.

42

43 MR. MARMERO: Thank you.

44

45 MS. BEAHM: Do we need it in there? ---

46

47 MR. BOCCANFUSO: I don't know that we need it. I mean
48 my personal preference would be to have only what's required

1 by the building codes. I mean as I said we're thirty some odd
2 feet from a residential dwelling and while there will be a
3 fence that's going to be subject to review and approval of
4 Jen's office and mine as well as some buffer landscaping. I
5 think we want to be careful that we don't want to
6 overilluminate a site that's really not going to be accessed
7 at night. I mean but for an emergency I would assume given
8 that we're talking half an hour a day that work would be
9 scheduled probably during daylight hours during normal
10 business hours.

11

12 MR. WEISS: My thought also though was and pardon me
13 Brian was that a motion sensor light would also act as a
14 deterrent.

15

16 MS. BEAHM: Right but this is a building that has no
17 windows.

18

19 MR. WEISS: Understood.

20

21 MS. BEAHM: One door I would agree with Brian that
22 less lighting is better. You don't want to draw attention to
23 the building. You want it to blend into the background. It's
24 like a pump station basically so as long as it satisfies
25 safety concerns I would not recommend any additional lighting
26 on the building. I don't, one car is going there for one half
27 hour per day and that's probably a lot. That's probably an
28 overestimation of how many people are going to be visiting the
29 site. I don't necessarily think it's necessary and if you
30 light it up.

31

32 MR. WEISS: I'm not saying to light it up. I'm saying
33 more if a child or someone scales the fence and I know.

34

35 MS. BEAHM: Well that's why he's providing anti-
36 climbing fence and having worked for utilities in the past.

37

38 MR. OLSEN: You're not going to get up that.

39

40 MS. BEAHM: And no kid is climbing the fence.

41

42 MR. WEISS: So if you're satisfied then I'm
43 satisfied.

44

45 MS. BEAHM: Yes yeah there's no kid that's going to
46 climb the fence.

47

1 MR. BOCCANFUSO: Yeah my concern with a motion type
2 lighting is clearly security is a concern here that's why the
3 eight foot high fence with the non-climbable features and so
4 forth, it is unlikely that a kid or teen is going to get in
5 here what could get in here is a raccoon or a fox or a possum
6 and they're apt to set off the motion light continually and
7 aggraviate the neighbors. So I think that that's something
8 that could be problematic.

9

10 MR. WEISS: Okay.

11

12 MR. BOCCANFUSO: And my recommendation would be to
13 have lighting that's required by code, but no more than that.

14

15 MR. WEISS: Thank you.

16

17 MS. MERTZ: And I will note that that light is not on
18 the side of the building that's facing the residential units.
19 It is where the front door will be which is facing the street.

20

21 MR. WEISS: Okay thank you.

22

23 MS. MERTZ: Yeah.

24

25 MR. LEVITON: Thank you Adam. Ter?

26

27 MR. ROSENTHAL: No my questions were covered thank
28 you.

29

30 MR. LEVITON: Alright then, I guess everything is
31 good in my head. Yeah I'm good. At this time I'm going to go
32 out to the public and see if they have any questions. Seeing
33 none I'll close public. Let me go back to the board if they
34 have any other questions, gentlemen?

35

36 MR. POCHOPIN: Mr. Chair.

37

38 MR. LEVITON: Yeah.

39

40 MR. POCHOPIN: I just want to apologize because I
41 kind of invited you guys up here and I didn't mean to put any
42 tension on anybody, but just to clarify that whole
43 conversation between all of us is if we could possibly get the
44 specifications on that flowmeter that does have some backflow
45 prevention in it for the simple reason that not only would it
46 be supplying domestic water because it will be supplying the
47 fire hydrants also which are mixed systems and granted this is
48 a great plan for emergency uses and pressure for fire

1 especially so that's all I would request if the board would
2 consider that from the engineer Brian.

3

4 MR. LEVITON: Mr. Paget?

5

6 MR. PAGET: Yes we can provide the specs for all the
7 valves in the building.

8

9 MR. POCHOPIN: Thank you.

10

11 MR. LEVITON: Thank you Mr. Pochopin anyone else? Let
12 me just ask our engineer one question.

13

14 MR. BOCCANFUSO: Yes sir.

15

16 MR. LEVITON: There's no stormwater management system
17 and I'm very aware that it's not a problem for you. I just
18 want to have you state on the record that there will in no way
19 be any additional runoff on Burke Street.

20

21 MR. BOCCANFUSO: On Burke Street?

22

23 MR. LEVITON: Yes.

24

25 MR. BOCCANFUSO: So.

26

27 MR. LEVITON: We had an application here recently on
28 Burke Street. The residents came out and they talked about
29 runoff and this is approximate.

30

31 MR. BOCCANFUSO: Understood. Anytime you have
32 disturbance in development almost any time you have
33 disturbance in development that will result in an increase in
34 rates of runoff and/or stormwater volume. What's important is
35 whether or not an application or development project rises to
36 the level of what's known as a major development which
37 triggers the need for the compliance with the stormwater
38 management regulations of the state and the municipality. This
39 proposed development is well below the threshold that would
40 make it a major development so he's not subject to those
41 applicable stormwater management regulations. Further the net
42 increase in impervious coverage associated with this project
43 is very minor and I don't think that the increase in
44 stormwater runoff rate or volume would be perceptible in the
45 immediate vicinity of the site. Nevermind at Burke Street
46 which is I don't know how far, but I assume several hundred to
47 a thousand feet away. Any increase in runoff rate or volume
48 that is generated by the proposed development would be

1 collected by the drainage system within Wilson Avenue well
2 before it reaches Burke Street. So I see no possible way that
3 this development could have any measurable impact from a
4 stormwater management standpoint on any property either those
5 in the immediate vicinity of the site or as far down the road
6 as Burke Street which as I said is at least several hundred
7 feet if not over a thousand feet away.

8

9 MR. LEVITON: Thank you sir.

10

11 MR. BOCCANFUSO: Sure.

12

13 MR. LEVITON: Jennifer anything further from you?

14

15 MS. BEAHM: No.

16

17 MR. LEVITON: May I inquire then what determines
18 what's going to be a design waiver versus a C variance?

19

20 MS. BEAHM: So it depends on the section of the
21 ordinance. So if it's in the zoning section of the ordinance
22 then it's a variance. If it's in the performance standard
23 section of the ordinance then it's a waiver. Depends on where
24 it is in the ordinance. But this is not a permitted use so
25 it's a use variance for the use as a whole. There was
26 testimony on the setbacks that's obviously a C variance. The
27 fencing is a variance and then there's a couple of waivers for
28 the parking basically.

29

30 MR. LEVITON: Thank you Jennifer. Nancy anything from
31 you?

32

33 MS. DEFALCO: I'm good.

34

35 MR. LEVITON: Albert?

36

37 MR. MARMERO: Sure so we've heard testimony from the
38 applicant. Obviously we've seen the application materials and
39 then the exhibits that were submitted. The applicant is here
40 tonight seeking primarily use variance approval with the use
41 variance connected to the proposed building that is going to
42 house this interconnect infrastructure. Obviously utilities
43 are generally a permitted use, but this specific use, this
44 building level house, this above ground interconnect is not
45 called out as a permitted use so the applicant does need use
46 variance approval for that. In connection with the use
47 variance we did hear about the setback variances so there is a
48 front yard setback variance needed. The applicant is proposing

1 thirteen feet where twenty-five feet is required. There is a
2 side yard setback variance required. The applicant is
3 proposing three feet where twelve feet is required and then
4 there is a rear yard setback variance required where the
5 applicant is proposing five feet where ten feet is required.
6 We heard the testimony from the applicant that essentially the
7 setback variances are a function of the size and the location
8 of the easement that they're housing this building in. Then in
9 connection with the fence there are a couple of bulk variances
10 as well. The fence will be located closer than the twenty-five
11 foot required setback from the street and then as we heard
12 testimony the fence will be at a height of eight feet which is
13 higher than what our ordinance permits and I think the
14 applicant's testimony with respect to both of those were
15 essentially for safety reasons and then as Ms. Beahm and as
16 the applicant discussed there are some design waivers
17 primarily related to the parking area that are holed down in
18 Ms. Beahm's letter and then we did hear some potential
19 conditions attached to this application as well. So in
20 addition to agreeing to comply with the terms of the
21 professionals' reports, the planner and the engineer, we did
22 hear the applicant's statement they would provide a detailed
23 grading plan. They would provide a fence detail for review by
24 the board's professionals. They would landscape the property
25 consistent with the exhibits that were provided and then of
26 course the landscaping would be placed on the plans as well
27 and as we heard just shortly the applicant would agree to
28 provide specifications for the valves as well and I think that
29 covers what we heard this evening. So if you're inclined to so
30 approve this application we would need a motion for approval
31 in accordance with the conditions and relief that I just
32 stated.

33

34 MR. LEVITON: Comprehensive sir thank you. Will
35 someone make that motion?

36

37 MR. WEISS: I make a motion to approve the
38 application subject to the conditions that Mr. Marmero just
39 spoke about.

40

41 MR. LEVITON: Thank you Mr. Weiss. Will someone
42 second that?

43

44 MR. SHALIKAR: I'll second it.

45

46 MR. LEVITON: Thank you Mr. Pochopin.

47

48 MS. MOENCH: Which one I'm sorry was that?

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MR. LEVITON: Dan Pochopin second, Adam Weiss made the motion.

MR. MANTAGAS: Josh.

MS. MOENCH: I thought it was ---

MR. MANTAGAS: It was Josh and Adam.

MR. SHALIKAR: So we sound alike.

MR. LEVITON: Forgive me. Josh don't.

MR. POCHOPIN: He can have it.

MR. LEVITON: Don't hold it against me.

MR. SHALIKAR: I will.

MS. MOENCH: So I have a first from Mr. Weiss and the second from Mr. Shalika, correct?

MR. SHALIKAR: Yes.

MS. MOENCH: Okay.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Yes.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

MS. MOENCH: Mr. Shalika?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Weiss?

MR. WEISS: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

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MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations Mr. Olsen, thank you all.

MR. OLSEN: Thank you for everybody.

MR. LEVITON: Very nice to see you here, good night, Okay at this time I'm going to go out to the public and ask if there's anyone in attendance who wants to address the board on non-agenda items. Seeing none I'll close public. Before we adjourn let's go to Mr. Marmero and ask him if there's any updates on matters of litigation.

MR. MARMERO: Sure yeah no substantive update on the matter that I'm handling which was the interpretation we had as I indicated to you I do have a motion to dismiss it. Seems like the applicant is somewhat receptive to that and consenting to our dismissal, but we do want to have a conference with the judge. That is scheduled I think for later this month so I think I should have an update more substantive for you at the next one.

MR. LEVITON: Fabulous and anything regarding the other?

MR. MARMERO: No so I did reach out to our planning board attorney. I sent him an e-mail. It was late last week just asking to provide an update on that matter. I have not heard from him on that, but I will double-check with him and try to have an update for you at the next meeting.

MR. LEVITON: Good luck pinning him down and thank you sir.

MR. MARMERO: Appreciate it.

MR. LEVITON: Gentlemen anything else for the good of the order? Someone move to adjourn then.

MR. MANTAGAS: So moved.

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MR. LEVITON: Thank you --- Have a good night. Brian
how about your family is it growing?

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